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General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda items 96 and 148

Crime prevention and criminal justice

Measures to eliminate international terrorism

Security Council
Fifty-ninth year

Letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the Secretary-General

During his address to the General Assembly on 21 September 2004, the President of Costa Rica, Dr. Abel Pacheco de la Espriella, proposed the establishment of a post of United Nations High Commissioner on Terrorism. The office of the High Commissioner would be an independent, professional and permanent body located at the centre of the Organization and would be a coordination centre for the counter-terrorism activities of the international community.

You will find attached a memorandum explaining why the Government of Costa Rica feels that such a new body must be set up and describing its possible mandate and resources and procedures for its establishment (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the General Assembly, under the agenda items on "Crime prevention and criminal justice" and "Measures to eliminate international terrorism", and as a document of the Security Council.

(*Signed*) Roberto **Tovar Faja**
Minister for Foreign Affairs and Worship of Costa Rica

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Annex to the letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the Secretary-General

Proposed establishment of a post of United Nations High Commissioner on Terrorism

Terrorism is the most serious challenge currently facing the international community. The despicable terrorist attacks of the last few years in New York, Madrid and Beslan demonstrate the gravity of the terrorist threat.

The Government of Costa Rica believes that the United Nations should lead the international counter-terrorism effort. It can and must make an effective contribution to combating terrorism by facilitating multilateral, coherent and multifaceted action against that crime.

Since September 2001, various United Nations bodies have made a tremendous contribution to countering international terrorism. They include the Committee established pursuant to Security Council resolution 1373 (2001), the Ad Hoc Committee established pursuant to General Assembly resolution 51/210, the United Nations Commission on Crime Prevention and Criminal Justice and the Office of the United Nations High Commissioner for Human Rights.

However, as the Policy Working Group on the United Nations and Terrorism, which advises the Secretary-General, acknowledged, the contribution of the United Nations has suffered from overlap and duplication of mandates and programmes and gaps in the overall range of responses, in individual organizations' mandates and in the resources available.[1] Each of the United Nations bodies and departments has tried individually to respond to the challenge posed by international terrorism, re-interpreting existing mandates, stretching out resources, improvising a great deal and adopting temporary measures. In short, there has been no overall vision.

This is not a sustainable situation. The Security Council Counter-Terrorism Committee (CTC) cannot genuinely help the Member States while its Executive Directorate remains separate from the United Nations Office on Drugs and Crime Terrorism Prevention Branch. The exceptional provisions of Security Council resolution 1373 (2001), which were justifiable in an emergency, must be made permanent and institutional. The work of the Office of the United Nations High Commissioner for Human Rights must be effectively incorporated into and supported by the work of the CTC and the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban. All Member States must be involved in establishing the Organization's counter-terrorism policies, so that the initiative can revert to the General Assembly. In effect, counter-terrorism must become a permanent and routine activity of the United Nations.

For this reason, the Government of Costa Rica is suggesting that the General Assembly should begin an in-depth review of the various United Nations mandates and bodies dealing with terrorism, with the aim of eliminating duplication, unifying

[1] Report of the Policy Working Group on the United Nations and Terrorism (A/57/273-S/2002/875, para. 49).

resources and centralizing decision-making in the hands of a professional, permanent and impartial body located at the centre of the Organization. Costa Rica is accordingly proposing the establishment of a post of **United Nations High Commissioner on Terrorism**.

Ideally, the Office of the High Commissioner should absorb the counter-terrorism mandates and human and financial resources currently dispersed among various United Nations bodies. It should take the place of the United Nations Office on Drugs and Crime Terrorism Prevention Branch and the Counter-Terrorism Committee Executive Directorate and Assessment and Technical Assistance Office. It should also absorb the terrorism-related mandates and resources currently allocated to the United Nations Office of Legal Affairs and the Department of Public Information, and to the Office of the United Nations High Commissioner for Human Rights.

As a result, the new body should:

1. Prepare a coherent strategy to combat and prevent international terrorism and present periodic plans of action to implement that strategy;

2. Provide Member States with technical assistance to combat terrorism;

3. Supply technical information and carry out the terrorism-related mandates of the Security Council, the Counter-Terrorism Committee, the Security Council Committee concerning Al-Qaida and the Taliban, the General Assembly and the Economic and Social Council;

4. Serve as the secretariat for the Counter-Terrorism Committee and the Security Council Committee concerning Al-Qaida and the Taliban;

5. Facilitate coordination and cooperation among Member States;

6. Analyse the various periodic reports on terrorism which States submit to the General Assembly and the Security Council;

7. Follow up the implementation of treaties and General Assembly and Security Council resolutions on international terrorism;

8. Prepare the various United Nations reports and publications on the subject of terrorism;

9. Promote adherence to human rights in counter-terrorism efforts;

10. Provide public information on the counter-terrorism rules and regulations in force and on United Nations action to combat that scourge.

The establishment of an Office of the United Nations High Commissioner on Terrorism will result in a rationalization of mandates and use of resources, generate real savings, prevent waste and make the international community's action more effective.

However, establishing such a body will require a combined and concerted effort on the part of the General Assembly and the Security Council. This year, the General Assembly should request the Secretary-General to present to it at its sixtieth session a report on the possible methods, mandate and structure of the Office of the High Commissioner on Terrorism. Next year, the General Assembly should establish an open-ended working group to determine the mandate and structure of that new

institution. The Security Council should approve the decisions made. Ideally, the Office of the High Commissioner should begin operation by 31 December 2007, when the mandate of the Counter-Terrorism Committee Executive Directorate expires.[2]

The Government of Costa Rica trusts that all States which have a genuine commitment to combating international terrorism will be able to support this initiative, which seeks to improve the ability of the international community to confront and prevent that scourge.

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[2] Security Council resolution 1535 (2004), para. 2.

United Nations S/2004/759

Security Council

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27 September 2004

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Letter dated 24 September 2004 from the Secretary-General addressed to the President of the Security Council

This is to inform you that Mr. Gary J. Peters (United States of America), whom I appointed on 15 March 2004 as an expert to serve on the Monitoring Team established pursuant to resolution 1526 (2004) of 30 January 2004, is unable to assume his functions. Accordingly, in close consultation with the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and taking into account the requirements stated in the above-mentioned resolution, I wish to inform you that I have appointed Mr. John E. Smith (United States of America) to serve on the Monitoring Team in New York.

(*Signed*) Kofi A. **Annan**

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Security Council

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Letter dated 24 September 2004 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

The Kingdom of Morocco has observed that the other parties to the regional dispute over Sahara have undertaken a surprising diplomatic campaign, accompanied by specific observations of a new kind, intended, to all appearances, to delay a definitive, consensual political solution.

This being the case, the Kingdom of Morocco, which has fully supported your efforts to arrive at a mutually acceptable political solution, felt obliged to draw up a memorandum of clarification, which I have the honour to transmit to you (see annex).

I should be grateful if you could arrange for the text of this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Mohamed **Bennouna**
Ambassador
Permanent Representative

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Annex to the letter dated 24 September 2004 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

Memorandum dated 24 September 2004 of the Kingdom of Morocco concerning the regional dispute over Sahara

The Security Council in its resolution 1541 (2004) of 29 April 2004 reaffirmed its strong support for the efforts of the Secretary-General and his Personal Envoy to achieve a political solution acceptable to all parties to the dispute over Sahara and called upon all the parties and the States of the region to cooperate to ensure the success of those efforts.

This objective was clearly reaffirmed in the letter dated 11 June 2004 from the Secretary-General addressed to the President of the Security Council, in which he announced that he had asked his Special Representative, Mr. Alvaro de Soto, to **"continue to work with the parties and neighbouring countries, in pursuit of a just, lasting and mutually acceptable political solution"** (S/2004/492).

Since that time, it has unfortunately become clear that some parties to this dispute have undertaken a surprising diplomatic campaign, accompanied by specific observations of a new kind, intended, to all appearances, to delay a definitive, consensual political solution.

Without wishing to enter into a debate, the Kingdom of Morocco would like to clarify its position in the light of these recent developments.

Morocco will limit itself to recalling the historical background, the known facts and the positions put on record. It would also like to reiterate its commitment to a peaceful, definitive solution, consistent with international law, to this issue, which remains for the people of Morocco, and they are unanimous on this point, a question of full realization of its territorial integrity.

The observations of the Kingdom of Morocco will deal, in particular, with the following four aspects:

- Clarification of the status of Morocco with respect to Sahara;
- The history of the question at the United Nations;
- Algeria's part in the conflict;
- Morocco's commitment to finding a definitive political solution to the dispute.

A. Clarification of the status of Morocco with respect to Sahara

1. **Morocco's status with respect to Sahara is not that of a foreign State or an "occupying Power"**, as the President of Algeria put it in his letter addressed to the Secretary-General and circulated on 18 August 2004 as a document of the General Assembly and of the Security Council (A/58/873-S/2004/657).

In describing Morocco as an "occupying Power", Algeria is ignoring the reality of the Sahara issue and the meaning of the term "occupying Power" as established in conventional and customary international law.

2. The existence of this dispute was confirmed by the International Court of Justice in its order of 22 May 1975 settling a preliminary question in connection with its advisory opinion on Western Sahara. Moreover, the Security Council, following the announcement of the "Green March" by His Majesty the late King Hassan II on 16 October 1975, referred in its resolutions 377 (1975) of 22 October 1975 and 380 (1975) of 6 November 1975 to "negotiations that the parties concerned and interested might undertake under Article 33 of the Charter", with a view to settling the question definitively, as had been the case earlier with the other territories in southern Morocco occupied by Spain.

3. As it happens, when Morocco recovered its independence in 1956 it did not immediately regain all of its national territory. Having been subject to three-fold colonization, by France in the central part of the country, by Spain in the north and south and by an international administration in the city of Tangiers, the Kingdom of Morocco had to negotiate in stages the return of these different portions of **its national territory, in full conformity, moreover, with the purposes and principles of the Charter of the United Nations.**

Being anxious to settle by peaceful means its colonial dispute with Spain, Morocco preferred to take the route of negotiation, which enabled it to restore to the Kingdom the regions of **Tarfaya** and **Sidi Ifni** in 1958 and 1969, respectively.

4. However, it was obliged to wait until 1975 for Spain to withdraw from the Sahara territory. It was not until 11 November 1975 that negotiations were opened in Madrid among Spain, as the administering Power, Morocco and Mauritania, concluding on 14 November with the signing of the Madrid agreement, of which the General Assembly took note in its resolution 3458/B of 11 December 1975.

5. After Spain on 26 February 1976 and Mauritania on 19 August 1979 renounced all responsibility, Morocco had full administration of Sahara as an integral part of its territory.

6. In view of the persisting regional dispute over Sahara, the Secretary-General sought to find a mutually acceptable political solution. In his report of 24 April 2001, he says that he believes "that substantial progress has been made towards determining whether the Government of Morocco as the **administrative power** in Western Sahara is prepared to offer or support some devolution of authority for all the inhabitants and former inhabitants of the Territory that is genuine, substantial and in keeping with international norms" (S/2001/398, para. 19).

The implication is that Morocco, exercising authority over the territory quite legally, is therefore entitled to delegate certain powers to bodies democratically elected by the entire population concerned, specifically for the sake of settling definitively the regional dispute over Sahara.

7. In view of these irrefutable facts, it is completely erroneous and misplaced for Algeria to describe Morocco as the "occupying Power". Moreover, the use of the term in this situation is **contrary to conventional and customary international law.**

8. The concept of "occupying Power", as defined in the Hague Regulations of 1907 and the Fourth Geneva Convention of 12 August 1949 and in customary law, relates to a State that occupies all or part of the territory of another State and has certain powers related to the provisioning and security of its troops.

This concept has no relevance to the situation in Sahara, where there is not a war with another State or occupation of the territory of such a State.

9. Since Sahara has been an integral part of the Kingdom of Morocco since time immemorial, the colonial hiatus cannot have the effect of breaking the ancestral allegiance of the populations of this territory to the Moroccan sovereigns.

10. While pursuing the lawful objective of fully realizing its territorial integrity, the Kingdom of Morocco has been anxious to preserve its relations of friendship and brotherhood with its neighbours and partners, Algeria and Mauritania.

In that spirit, the Kingdom of Morocco, strong in its rights and in the unanimity of the Moroccan people, has taken part responsibly in good faith in African initiatives and United Nations efforts to find a definitive and viable solution to the dispute over Sahara.

B. The history of the question of Sahara at the United Nations: from the inability to implement the Settlement Plan to the search for a mutually acceptable political solution

11. Morocco participated in good faith in the implementation of the Settlement Plan proposed in 1991 by the United Nations to resolve the dispute over Sahara. However, implementation of the plan was thwarted by the obstacles constantly thrown up by the Frente POLISARIO to distort the identification process. The Secretary-General, in his report of 17 February 2000, observes that "**nine years have elapsed**" and "**it has not been possible ... to implement in full any of the main provisions of the United Nations settlement plan, with the exception of the monitoring of the ceasefire**", because of "**fundamental differences between the parties over the interpretation of its main provisions**" (S/2000/131, para. 32).

12. The Security Council drew the necessary conclusion from this finding in its resolution 1292 (2000) of 29 February 2000 by recommending to the Secretary-General to "consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute", which would define their respective rights and obligations in Western Sahara.

13. In fulfilment of that recommendation, Mr. James Baker, as Personal Envoy of the Secretary-General, held a series of consultations in 2000, first in London and then in Berlin, in which he invited the parties "to depart from the 'winner-take-all-mentality'" and to "discuss any possible political solutions in which each could get some, but not all, of what it wanted and would allow the other side to do the same" (S/2002/178 of 19 February 2002). In proposing a draft framework agreement in June 2001, the Secretary-General and his Personal Envoy stressed that the draft "**offers what may be the last window of opportunity for years to come**", and urged that the "**opportunity ought to be seized by all parties concerned as it is in the interest of the people of Western Sahara as well as those of the countries in the region**" (S/2001/613, para. 60).

14. The Security Council, in resolution 1359 (2001) of 29 June 2001, supported that recommendation and therefore encouraged "the parties to discuss the draft Framework Agreement and to negotiate any specific changes that would like to see in this proposal, as well as to discuss any other proposal for a political solution, which may be put forward by the parties, to arrive at a mutually acceptable

agreement". In response to that resolution, Morocco agreed to negotiate on the basis of the draft framework agreement, with the necessary flexibility, in order to settle definitively this regional dispute. Unfortunately, Algeria and the Frente POLISARIO chose to ignore resolution 1359 (2001) and refused to take part in the negotiations proposed to them by the Secretary-General. **Worse yet, Algeria proposed a plan for the division of Sahara to Mr. Baker on 2 November 2001 in Houston**. That proposal was naturally rejected by Morocco for both legal and political reasons (see letter dated 25 February 2002 from Morocco, document S/2002/192).

15. Since the Security Council found it impossible to choose between the various options presented to it at that time, Mr. Baker, in January 2003, without prior consultations, presented to the parties his proposed Peace Plan for Self-Determination of the People of Western Sahara, in which he tried to combine **two irreconcilable approaches**, that is, the Settlement Plan and the draft framework agreement. In the plan, Mr. Baker reintroduced the idea of holding a referendum, as provided for in the Settlement Plan, which would be associated with a transitional period fraught with dangers for the tranquillity of the local populations and the security and stability of the countries of the region (see the observations of Morocco annexed to the Secretary-General's report S/2003/565).

C. Algeria's part in the conflict

16. Algeria has been making systematic efforts since 1973 to thwart the full realization of Morocco's territorial integrity. Algeria's involvement in the question of Sahara has taken many and various forms: military engagement, financial and logistical support, diplomatic mobilization and training, breaches of international humanitarian law and the like. In addition to harbouring on its soil and supporting the Frente POLISARIO, Algeria sponsored the creation of a bogus "republic" in 1976 and rallied vigorously to get some countries to recognize this fictitious "entity" lacking in any feature of a sovereign State.

True, several countries opted subsequently to withdraw their recognition so as not to upset the process of a peaceful settlement of the dispute in the framework of the United Nations.

17. Furthermore, the official communications from Algeria addressed to the United Nations show clearly that the country presents itself as either a "concerned party" or an "important actor" or a "stakeholder" in the settlement of the dispute.

The Secretary-General of the United Nations and his Personal Envoy therefore rightly addressed Algeria directly to urge it "to engage as a party in these discussions [on the framework agreement] and to negotiate, under the auspices of my Personal Envoy, any specific changes it would like to see in the proposed document that would make it acceptable to it" (S/2001/613, para. 54).

18. Algeria's response to that proposal revealed plainly that that country is far more than a mere observer of the settlement process. The representative of Algeria in fact reproached the Secretary-General for having decided with "unacceptable casualness ... to reject ..., in a disrespectful manner, the objections by Algeria" to the framework agreement and for having ignored the point of view of "**an important actor**" (A/55/997).

19. In his report of 19 February 2002, the Secretary-General informed the Security Council about the visit that the Algerian President had made to Houston on 2 November 2001, during which he told Mr. James Baker, as Personal Envoy of the Secretary-General, that **"Algeria and the Frente POLISARIO would be prepared to discuss or negotiate a division of the Territory as a political solution to the dispute over Western Sahara"** (S/2002/178, para. 2).

By itself, that initiative demonstrates Algeria's obvious direct involvement in the dispute and clearly illustrates its backing of the Frente POLISARIO, even though Algeria has said in that regard in the most solemn manner that it cannot and does not wish, in any way, to stand in for it or to be its sponsor or spokesperson.

20. Later, in March 2003, Algeria commented on Mr. Baker's proposed peace plan, describing itself as a neighbouring country and interested party (S/2003/565, p. 46).

21. **At the military level**, Algeria has not hesitated to deploy illegally units from its regular army in Sahara. In fact, in both January and February 1976, the Royal Moroccan Armed Forces found themselves, in the town of Amgala, up against Algerian regular army units, who were there, according to the official Algerian press agency, to provide food and medicine to the Saharan people. Those units were in fact armed with artillery and surface-to-air missiles (SAM), including SAM-6 and SAM-7 missiles.

While several dozen Algerian officers, non-commissioned officers and soldiers were captured during that confrontation, they were all released and returned to their authorities.

22. Those events included the capture of several hundred members of the Royal Moroccan Armed Forces. The vast majority of them were interrogated by Algerian officers and detained in Algerian prisons before being transferred, many years later, to Frente POLISARIO camps in Tindouf.

23. **At the humanitarian level**, it should be recalled that until 1996 Algeria denied the Office of the United Nations High Commissioner for Refugees access to the refugee camps located in its territory, thus preventing it from fully discharging its mandate.

Algeria also continues to exercise, directly, strict control over the camps, particularly by monitoring and limiting the movement of persons. It is therefore responsible for failing to comply with the Convention relating to the Status of Refugees of 1951, which states in article 26: "Each Contracting State [as is the case with Algeria] shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory ...".

It is also responsible for the continued detention in its territory, after the entry into force of the ceasefire in 1991, of 412 members of the Royal Moroccan Armed forces, in flagrant violation of international humanitarian law and in defiance of repeated calls from the international community.

24. Thus, through its full political and diplomatic involvement in this dispute, its systematic and active participation in all talks organized by Mr. Baker or in direct negotiations with Morocco on draft resolutions on the question of Sahara within the Security Council, the General Assembly and other international bodies, not to

mention its many actions, responses and proposals at the United Nations, **Algeria cannot in all objectivity pretend to act in this dispute, "merely as a Member of the United Nations concerned about respect for ... the principles of the Charter" (as the Algerian President said in his aforementioned letter)** (A/58/873-S/2004/657).

25. Throughout the interview he granted to the United States Public Broadcasting System television network on 19 August 2004, Mr. James Baker clearly identified Morocco and Algeria as **the two parties** to the dispute and its **main protagonists**.

D. Morocco's commitment to a definitive political solution to the dispute

26. Morocco believes that the search for a mutually acceptable political solution remains the best path to a definitive and viable settlement of this regional dispute.

27. **The courageous and responsible proposal of autonomy with respect for national sovereignty is entirely in keeping with the recognition of self-determination as the preferred means for a given population to exercise its individual and collective rights.**

28. In conclusion, the Kingdom would like to recall that:

- For the Moroccan people the question of the Sahara is a matter of the full realization of territorial integrity and the safeguarding of national unity;
- The United Nations clearly established that it was not feasible to implement the Settlement Plan and recommended the search for a compromise that would move away from the two options envisioned in that plan;
- The granting of an autonomous status negotiated and approved by the populations concerned is a political solution consistent with international law and offers the greatest prospects for a definitive settlement;
- Morocco remains open to such a solution, which would preserve its sovereignty and territorial integrity and allow the populations to manage their own local affairs directly and democratically;
- Morocco stands ready to cooperate with the other parties as well as the Secretary-General and his Special Representative to reach a solution acceptable to all. To that end, it is ready to engage, in good faith and with determination, in serious and constructive negotiations with the intent of contributing in a specific and credible manner to their success;
- Morocco looks towards the future and sincerely hopes to find in the other parties the same political will to reach a definitive solution to this regional dispute.

As it pursues that goal, the Kingdom of Morocco hopes that it may count on the good will of those devoted to creating the most favourable conditions for a realistic and consensual solution to the dispute over Sahara, a solution that would allow the populations in the camps to rejoin their families at last and for the States of the Maghreb to come together in unity and solidarity.

United Nations A/ES-10/282–S/2004/761

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 27 September 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In flagrant and grave breach of international law, Israel, the occupying Power, continues to commit war crimes and acts of State terrorism throughout the Occupied Palestinian Territory as well as in the region. On Sunday, 26 September 2004, yet another extrajudicial killing was carried out by Israel against a Palestinian man, this time in the territory of a sovereign State, when a car bomb was detonated in the Syrian capital of Damascus, killing Mr. Izzedine Al-Sheikh Khalil, a leader of Hamas, and wounding at least three other people. This act cannot but be deemed a blatant act of State terrorism. While there has been no formal admission of responsibility by Israel for the bombing, the Israeli media and spokesmen have made it very clear that this is a fact, with some actually boasting about Israeli involvement in the attack.

This latest criminal act follows recent, repeated declarations made by Israeli officials, including the Prime Minister himself, of their intention to continue targeting Palestinian leaders. Indeed, the occupying Power has not ceased to carry out extrajudicial killings and military raids and attacks against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem. Yesterday's car bombing in Damascus was preceded by the extrajudicial killing of Mr. Khaled Abu Selmiyeh, whose car was hit by helicopter missile fire as he drove on a busy street in Gaza City last week. In addition to killing Mr. Selmiyeh, the attack wounded at least six other Palestinian civilians, two of them critically. Regrettably, this killing is only one of the many committed by the occupying Power against the Palestinian people since my last letter to you (A/ES-10/281-S/2004/729), as reflected in the annexed list of martyrs. Among the many other civilians killed by the Israeli occupying forces during this period was a 19-year-old Palestinian girl, Ibreezah Al-Minyawi, who was shot in the chest as she stood on the roof of her

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home in the city of Nablus, which has been subjected to constant raids and continues to be under siege, as well as a 60-year-old man, Ali Abu Al-Nimer, killed two days ago in Khan Yunis by helicopter missile fire.

At the same time, the occupying Power continues to systematically violate all other human rights of the Palestinian people, including by means of collective punishment. In this regard, Israel continues to impose closure and the severest restrictions on the movement of persons and goods, including humanitarian, throughout the Occupied Palestinian Territory, including East Jerusalem, which continues to gravely impact the already dire humanitarian situation. Moreover, the occupying Power continues its barbaric practice of demolishing Palestinian homes, terrorizing the civilian population, leaving hundreds upon hundreds of families homeless and treading a path of destruction wreaked by its tanks and bulldozers. Just two days ago, on Saturday, 25 September 2004, the Israeli occupying forces raided the refugee camp of Khan Yunis in the Gaza Strip, and, using bulldozers, destroyed at least 35 Palestinian homes in the area. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, another 60 Palestinian families, numbering approximately 230 people, have now been made homeless. It is imperative to recall that such extensive and wanton destruction of property constitutes, as a grave breach of the Fourth Geneva Convention, a war crime.

Such flagrant violations of international law, including international humanitarian law and human rights law, by Israel, the occupying Power, must be firmly condemned by the international community. The impunity with which Israel has been allowed to carry out its illegal policies and practices in the Occupied Palestinian Territory, including East Jerusalem, has undoubtedly emboldened it to carry out attacks, such as that carried yesterday in Damascus, that inflame tensions and threaten to further destabilize the situation in the region. We urge the international community to unambiguously call for a cessation of Israel's practice of extrajudicial killing as well as a cessation of all of its other violations of international law. It is high time for serious measures to be undertaken to compel Israel to halt its military campaign against the Palestinian people and to scrupulously abide by international law, including in particular the Fourth Geneva Convention, which is applicable to all of the territory occupied by Israel since 1967, including East Jerusalem.

The present letter is in follow-up to our previous 200 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 14 September 2004 (A/ES-10/281-S/2004/729), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my deepest regret to inform you that, since my last letter to you, at least 29 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs

killed since September 2000 to 3,258 Palestinians. (The names of the martyrs that have been identified are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser Al-Kidwa
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 27 September 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Tuesday, 14 September 2004, to Monday, 27 September 2004)

Tuesday, 14 September 2004

1. Maram Mufeed Abdel Aziz Al-Nahleh (11 years old)
2. Abdel Helim Mohammed Said Salem
3. Mulhem Afif Ibrahim Abu Jamileh
4. Nader Ibrahim Rida Al-Aswad
5. Mohammed Ribhi Said Mareai
6. Hani Ahmed Fathi Al-Aqad
7. Fawaz Fakhry Fawaz Zakarneh
8. Fady Fakhry Fawaz Zakarneh
9. Maaz Mohammed Fayez Qateet
10. Ibrahim Atta Abdel Rehim Mahmoud Abu Salheh
11. Fawaz Sasi Mohammed Hassan Al-Bulbul

Friday, 17 September 2004

Ibreezah Durgham Zeeb Al-Minyawi

Sunday, 19 September 2004

1. Rami Abdelkarim Abu Lihyeh
2. Khaled Mohammed Abdelhalim Abu Selmiyeh

Monday, 20 September 2004

1. Salem Abdelqader Abu Shabab
2. Rabah Darwish Zaqoot
3. Nabil Ibrahim Al-Saidi

Wednesday, 22 September 2004

Osama Salah Abedrabbo Al-Araj

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* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 3,258.

Thursday, 23 September 2004

Fallah Hassan Naeim Musharqeh (died from wounds sustained on 14 September 2004)

Friday, 24 September 2004

Hossam Fathi Abu Al-Najja (died from wounds sustained on 21 September 2004)

Saturday, 25 September 2004

Ali Abdallah Abu Al-Nimer

Sunday, 26 September 2004

Jihad Nimer Mustafa Abu Hassan

Monday, 27 September 2004

1. Said Mohamed Al-Madhoon
2. Mohamed Tawfiq Abu Askar
3. Hasan Mohammed Zaher
4. Sayel Mustafa Jibareh
5. Ahmed Al-Tayrawi
6. Ammar Daasaan
7. Ali Al-Shaaer

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Security Council

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Letter dated 27 September 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to my letter dated 22 September 2004 (S/2004/751) regarding the violations by Darfur rebels of the N'djamena ceasefire agreement, I have the honour to inform you that on Wednesday, 22 September, at 11 a.m., the rebels raided the village of Ghibaish in western Kordofan State. In this attack, the rebels killed eight policemen and civilians, destroyed the police station and looted the market.

This incident, apart from being a further violation of the ceasefire agreement, represents a serious development that could lead to grave complications and impact negatively on the efforts of the African Union to find a peaceful settlement to the conflict. The extension of the rebels' operations to areas outside Darfur represents a clear manifestation of the fact that the rebels are not interested in the political settlement.

I would highly appreciate it if you could circulate the present letter as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

04-52499 (E) 280904

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Security Council

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28 September 2004

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Progress report of the Secretary-General on the Sudan pursuant to paragraph 7 of Security Council resolution 1547 (2004)

I. Introduction

1. The present report is submitted pursuant to paragraph 7 of Security Council resolution 1547 (2004) of 11 June 2004, in which the Council requested me to keep it informed of developments in the Sudan, particularly on the peace process led by the Intergovernmental Authority on Development (IGAD), the implementation of the peace process and the execution by the advance mission of its mandate. The mission is making preparations for the international monitoring foreseen in the Framework Agreement on Security Arrangements during the Interim Period, signed of 25 September 2003 in Naivasha, Kenya (see S/2003/934, annex), to facilitate contacts with the parties concerned and to prepare for the introduction of a peace support operation following the signing of a comprehensive peace agreement. The Council also requested me to take the necessary preparatory steps, including pre-positioning the most critical logistical and personnel requirements, to facilitate the rapid deployment of a future peace support operation as well as to prepare for the role of the United Nations during the transitional period in the Sudan.

2. Subsequent to its adoption of resolution 1547 (2004), the Security Council, on 30 July, adopted resolution 1556 (2004), in which it extended the mandate of the mission for an additional 90 days, until 10 December 2004, and requested me to assist the African Union with planning and assessment for its mission to Darfur and to incorporate contingency planning for the Darfur region into the mission. Accordingly, the United Nations has begun to assist the African Union and has begun preparations to support the implementation of a future agreement in Darfur, in close cooperation with the African Union. These additional requirements have made it necessary to broaden the scope of the activities of the operation beyond that described in my report of 3 June 2004 (S/2004/453).

II. Establishment of the United Nations advance mission in the Sudan

3. In accordance with Security Council resolution 1547 (2004), the United Nations has proceeded with the establishment of a special political mission, the United Nations advance mission in the Sudan. The Organization has been able to

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respond relatively rapidly owing to the fact that previous preparatory work had been carried out on the basis of the request contained in the statement by the President of the Security Council dated 10 October 2003 (S/PRST/2003/16). The Mission has consequently established its headquarters in Khartoum, where it is presently functioning in temporary premises, as well as a liaison office in Nairobi.

4. Soon after the adoption of resolution 1547 (2004), I requested Jan Pronk of the Netherlands to become a Special Representative to the Sudan. He subsequently accompanied me on a tour of the region in June and July, which included visits to Khartoum and Darfur, as well as to Chad, Eritrea, the African Union summit in Addis Ababa, and Kenya. In Khartoum and Nairobi, my Special Representative met with representatives of the Government of the Sudan and the Sudanese People's Liberation Movement /Army (SPLM/A), as well as the chief mediator and the IGAD secretariat. Following later briefings in New York, which included consultations with the Security Council on 21 July, my Special Representative took up his appointment in the Sudan on 1 August. To support my Special Representative in carrying out his tasks, I have appointed two Deputy Special Representatives, Tayé-Brook Zerihoun (Ethiopia) and Manuel Aranda da Silva (Mozambique), who were both deployed during the month of August. In order to ensure a joint unified strategy among the United Nations components, agencies and programmes, Mr. Aranda da Silva was appointed to the dual role of Resident Coordinator/ Humanitarian Coordinator. In addition, I have appointed the mission's Chief Military Adviser, Major General Fazle Elahi Akbar (Bangladesh), who was deployed in early September 2004, as well as the chief civilian police adviser, Superintendent Glenn Gilbertson (United Kingdom of Great Britain and Northern Ireland), who will be deployed shortly. In preparing for a possible future peace support operation in the Sudan, it is extremely useful that the senior leadership team be able to work together at this early stage. In addition to planning a future mission, they are well placed to participate in the IGAD-led peace process, as required, and to build upon high-level contacts with the parties. This team is supported by 94 international staff, including military liaison and political and civil affairs staff, public information officers and experts in logistics and administration, as well as in other requisite areas of expertise, as explained in my report on the Sudan dated 3 June 2004 (S/2004/453) and endorsed by the Security Council in its resolution 1547 (2004).

5. On 5 August 2004, the Government signed an agreement on the status of the mission and its personnel with the United Nations, the comprehensive provisions of which extend to United Nations offices, funds and programmes in the Sudan that are carrying out functions in relation to the mission. In his meeting with me on 7 September 2004, the Chairman of SPLM/A pledged to commit to the terms of the agreement and I look forward to a swift exchange of letters on this matter.

6. Following his deployment to Khartoum on 1 August 2004, my Special Representative met with Government officials in Khartoum and conducted visits to southern Sudan, Kenya and the Arab League summit in Cairo. Lack of progress at the IGAD-led peace process, as well as the recent events in Darfur, have made it necessary for my Special Representative to focus primarily on Darfur. However, he has at every opportunity urged the parties to catalyse the negotiations and return swiftly to the negotiating table.

7. In my report of 3 June 2004, I attempted to describe to the Council the nature of the challenge that awaited the deployment and smooth functioning of a United Nations peace support operation in the Sudan. I said that it would not be possible to facilitate implementation of the comprehensive peace agreement without a joint, integrated strategy among the components, agencies and programmes of the United Nations. Since their appointment, my Special Representative and his two deputies have been working on plans to ensure that the United Nations presence in the Sudan is a truly unified structure, that the special political mission and the country team are integrated as well as possible and that roles and functions of the two structures complement each other and avoid duplication. One aim is to establish shortly a common headquarters, which would permit the United Nations team in the Sudan to come together under one roof, thereby improving the effectiveness and efficiency of the service provided to the Sudanese people through a unified "common premises, common services" approach. In the same vein, in early August, my Special Representative visited the United Nations logistics base in Lokichokio, Kenya, which has served as the hub for the system-wide humanitarian effort in southern Sudan since 1989, to make a first-hand assessment of what adjustments might be needed in the existing structures in order to make a smooth and timely transition from humanitarian emergency to peace support and development.

8. In the meantime, the Interdepartmental Task Force on the Sudan, established late last year in New York, continues to meet to ensure that the common strategy is replicated at United Nations Headquarters. It is recognized that the work of the future United Nations peace support operation, if it is to be effective, must act in a synchronized and coordinated manner, in harmony with development efforts. It will be critical to the success of the work of the United Nations in the Sudan that all components of the system — political, military, security, humanitarian, human rights, development and economic — conform to one unified vision of the mandate and the same set of objectives. The same will be required of the international community's response.

III. Preparations for the establishment of a United Nations peace support operation

9. As requested by the Security Council in paragraph 4 of its resolution 1547 (2004), the mission is also conducting logistical planning for the possible establishment of a peace support operation if the Government and SPLM/A should sign a comprehensive peace agreement. To this end, the mission support element has focused its attention on developing its knowledge of the operational realities in the Sudan and establishing working relationships with the parties. The mission has also been refining contingency plans for the establishment of sub-offices in the areas to be monitored, preparing for the deployment of military and civilian observers as well as forces to protect the operation and providing effective forward support so that the mission would be ready to deploy in a timely manner following the conclusion of a peace agreement. Those activities have included the following:

(a) Developing practical measures and establishing effective liaison mechanisms for implementing the agreement concluded with the Government on 5 August 2004 on the status of the mission and its personnel, in particular concerning customs and immigration, taxation, aviation, telecommunications,

transportation and energy. Those activities have led to cooperation in many areas, which should promote rapid establishment and effective operation should the Security Council mandate a peace support operation. The mission looks forward to full engagement with the SPLM/A following an exchange of letters concerning the agreement on the status of the mission;

(b) Carrying out a reconnaissance of port facilities, storage and logistics bases and common premises for future living and working accommodations, as well as surface routes in the expected operational areas between existing ports of entry and proposed forward reception and staging areas. Such preparatory work will help to facilitate the movement of military observers and accompanying protection elements from their home countries to the Sudan and ensure that working and living premises are ready for use so as to achieve required deployment targets.

IV. Effect of the situation in Darfur on mission planning

10. In extending the mandate of the advance mission, the Security Council, in its resolution 1556 (2004), requested that contingency planning for the Darfur region be incorporated into the mission. In the same resolution, the council specifically requested me to assist the African Union with planning and assessments for its mission in Darfur and to prepare to support the implementation of a future agreement in Darfur in close cooperation with the African Union. By requesting such assistance, the Council expanded the mandate by adding a new operational and political dimension, necessitating a full review of operational planning and the submission of a new budget to cover the additional resources required to perform the new tasks.

11. The delay in the IGAD-led peace process (see paras. 14-19 below) allowed the temporary reallocation of some resources from the preparatory work of the mission to the new tasks related to Darfur. However, in view of the announcement that the IGAD-led peace process will resume in early October, it is crucial that the mission be ready to assist when the talks resume and be in a position to deploy an operation in a timely manner following a final breakthrough and the long-awaited signing of a comprehensive peace agreement.

12. In the light of Security Council resolution 1556 (2004) and the joint communiqué signed by the United Nations and the Government of the Sudan on 3 July 2004 (S/2004/635, annex), the review of operational planning and related requirements has identified the following additional tasks:

(a) Supporting regular meetings and verification missions of the Joint Implementation Mechanism created in accordance with the joint communiqué as well as other Darfur-related activities that my Special Representative and other senior officials may be responsible for carrying out;

(b) Supporting United Nations participation with observer status in the African Union-led peace process in its efforts to resolve the Darfur crisis;

(c) Setting up and supporting at the headquarters of the African Union a small cell to assist the Union to deploy and support an expanded operation in Darfur;

(d) Setting up four small field offices in Darfur with political, civil, military, police, humanitarian and logistical support and liaison functions, which would systematically engage with local authorities, establish regular contacts in rebel-controlled territories, liaise with the African Union and assist it in view of its expanded presence, liaise with international human rights monitors and ensure a unified approach with partners in the humanitarian community;

(e) Setting up a small field office in Kassala to engage in civil and military liaison functions with the local actors on the ground in the east of the Sudan; early United Nations engagement is considered vital in this region, which is beset by tension and periodic conflict, as well as the presence of SPLM/A forces, which, according to the Naivasha Agreement on Security Arrangements, will redeploy to the south in the first year following a comprehensive peace agreement;

(f) Enhancing the ability of the advance mission's headquarters to support the new tasks and the new offices in Darfur at both the substantive and support levels.

13. Not only will additional civilian staff be required to perform many of these tasks, there will also be a need for a small number of military liaison officers to carry out liaison functions with the expanded African Union mission. In my report of 3 June, I requested a mandate for 25 military liaison officers and military support elements, as well as 8 police personnel. The expanded United Nations tasks required according to Security Council resolution 1556 (2004) would require an additional six military officers and six police officers to provide the extra liaison functions, including the cell in Addis Ababa to assist the Africa Union.

V. Peace process led by the Intergovernmental Authority on Development

14. The signing by the parties of the Nairobi Declaration on 5 June 2004 raised hopes that the IGAD-led peace process had become irreversible and would be swiftly accomplished. The Government and SPLM/A recommitted themselves to their obligations contained in the six protocols agreed to since the relaunching of the IGAD peace process in Machakos, Kenya, in June 2002. They also made a solemn commitment to complete the final stages of peace negotiations as expeditiously as possible and appealed to the international community to support them during the implementation period. The presence of President Mwai Kibaki and other international dignitaries, including my Special Adviser for Africa, Mohamed Sahnoun, underscored the support and commitment of the international community and, it was hoped, gave the parties sufficient encouragement to complete the process without delay.

15. However, the progress that was heralded in early June was unfortunately not in evidence during the past few months. Late in that month, IGAD resumed talks in Naivasha with the first round of implementation modality negotiations, focusing on detailed ceasefire and security arrangements. That round was preceded by a three-day workshop in Nairobi, organized by the IGAD mediators in close cooperation with the United Nations and other international partners. At the talks, considerable progress was made on the technical, humanitarian and legal aspects of the ceasefire and security arrangements, as well as the disarmament, demobilization and

reintegration of former combatants. However, the parties reached a deadlock on a number of issues, primary among them the financing of SPLA military forces in the south and the deployment of joint military units in the east which required political decision-making at a principal level. Given the stalemate, IGAD adjourned the talks on 28 July.

16. Following the adjournment, the Government of Kenya, which leads the IGAD mediation effort, consulted with regional and other actors and held meetings with the Chairman of SPLM/A. The mediators also visited Khartoum and met with senior government officials, including President Omar Al-Bashir and Vice-President Ali Osman Taha. They also met with my Special Representative. The consultations led the mediators to conclude that sufficient political will needed to be generated by the parties to lead the process out of the emerging deadlock, and that time would become an ever-more important factor in ensuring that the peace process was not stalled.

17. My Special Representative held talks in August with both parties aiming to catalyse the IGAD-led peace process. His discussions showed that the difficulties experienced in the peace talks could be overcome if both parties were to engage in an open and immediate exchange on the outstanding issues at the senior level. While urging the Government to work towards a successful conclusion of the peace process as a vehicle to help resolve the Darfur crisis, he encouraged the SPLM/A leadership to remain fully engaged on the immediate resumption of the IGAD peace talks.

18. In my regular contacts with the two leaders, I expressed concern at the delay in the IGAD-led peace process and urged them to do all they could to ensure that the talks restarted quickly at a technical level and also, critically, at a political level to catalyse the remaining concerns in the final rounds of negotiations. I also emphasized that the parties risked further complications in the peace process if by further delays they would allow a resumption of talks to be contingent on the resolution of other crisis situations in the Sudan. I am pleased that the parties have now taken the decision to resume the negotiations on 7 October 2004, starting with talks between the principals, Vice-President Taha and SPLM/A Chairman John Garang.

19. To achieve an implementable peace agreement, it is critical that the parties invite the international observers who have accompanied the IGAD peace process since its inception to be fully engaged in the future rounds of the peace negotiations. While acknowledging that the peace process has Sudanese ownership and that the parties will have the primary responsibility for ensuring that the implementation period is successful, the international community's role will be critical to future peace, stability and development in the Sudan. In my report of 3 June, I noted that the international community needed to recognize the immensity of the challenge in the Sudan and to respond accordingly. So, too, a sustainable, implementable agreement must be one that international partners are prepared to support. Without appropriate engagement at the final rounds of talks, the United Nations will not be in a position to carry out roles and functions on which it has not been consulted. I am grateful that the parties have provided assurances that the international observers will be fully involved in future proceedings of the IGAD-led peace process.

VI. Humanitarian situation and activities of the United Nations country team

20. The humanitarian challenge in the Sudan remains enormous as the crisis continues in Darfur and other parts of the country remain beset by ethnic tensions, chronic instability and conflict, as well as acute food insecurity. All United Nations humanitarian operations in the country remain sharply under-resourced. As needs continued to grow, the United Nations released a revised consolidated appeals process document on 25 August, prioritizing resources needed for the most critical humanitarian interventions in the Sudan. As at 7 September, only 53 per cent of the resources needed for the Darfur crisis ($280 million of a required amount of $532 million) had been received. In the programmes serving the rest of the Sudan, nearly 55 per cent of the funds requested for the most urgent needs of the United Nations in the southern and eastern regions ($112 million of a required amount of $204 million) had been received. In my report that is due to be submitted to the Security Council at the end of September I will focus on the Darfur situation. Accordingly, this section of the present report will concentrate on the other parts of the Sudan.

21. The number of vulnerable people in the south requiring immediate humanitarian assistance in the food, health, water and sanitation and other sectors under the Operation Lifeline Sudan umbrella hovers around 3 million people. This number is increasing as tens of thousands of internally displaced persons living in the north are now spontaneously returning to areas in the south in expectation of a comprehensive peace agreement, which is adding further pressure to an already suffering population.

22. The signing of the protocols in Naivasha in the summer had raised expectations in the south and other war-affected areas for a total end to hostilities and increased assistance for recovery and reintegration needs. However, the delay in the peace negotiations, the international focus on Darfur and increased localized conflict and insecurity in many areas have hampered the capacity to meet the needs of the south.

23. While general humanitarian access has continued to improve, government restrictions in southern Blue Nile continue to limit the capacity for humanitarian action. Hostilities linked to oilfield development and militia realignment in and around western Upper Nile, hostile actions by the Ugandan Lord's Resistance Army and intra-ethnic conflict in some areas of Equatoria and in the Shilluk Kingdom earlier this year have led to new displacement and suffering and additional access restrictions. The humanitarian situation in all these areas continues to be dire, and further support is required for both humanitarian and emerging recovery and reintegration needs.

24. The current food security situation in southern Sudan is markedly deteriorating and calls for an agency review and the updating of contingency plans to address likely needs in the medium term. Reduced crop performance is likely to increase food insecurity for local households over the following months, a situation made worse by families returning to the region after prolonged displacement. Lack of rain and lack of access to markets due to continuing insecurity has led to hunger in some parts of the Upper Nile region.

25. Internally displaced persons returning to their home areas are putting a strain on the humanitarian situation in the Sudan. Some 100,000 of them have reportedly

returned from the north to southern Sudan so far in 2004. Although the flow was slowed by the onset of the rainy season, it is expected that there will be a substantial wave of spontaneous returnees in the latter months of 2004 as the rainy season ends, and especially if the IGAD-led peace process appears to be headed towards a conclusion. Returning internally displaced persons have reported harassment, including forced taxation and sexual abuse, while trying to cross from the north to the south. Armed groups, including some backed by the Government of the Sudan and SPLM/A forces, were reported to have been involved in such incidents.

26. As at 7 September, less than 20 per cent of funds needed for returnee and reintegration operations had been received. A recent joint agency assessment team recommended improvements in returnee registration and tracking and scaling up of the provision of basic services targeting returnees, internally displaced persons and host communities equitably. An emergency health working group on returns has elaborated a health plan for which no funding has been received to date, severely hampering implementation.

27. Outside of the immediate war-affected areas, more than 500,000 people in eastern and western Kordofan, Red Sea State and Kassala live in areas with food shortages and are receiving school feeding and food-for-work assistance. Nearly 100,000 Eritrean refugees living in the eastern states of Kassala, Gedaref, Sinnar and Gezira also continue to receive aid.

28. The United Nations country team has started planning and executing an increase in its activities in the Sudan in anticipation of a comprehensive peace agreement, including in mine action; police training; governance; the rule of law; disarmament, demobilization and reintegration; education; reproductive health; the environment and natural resources management; agriculture; and HIV/AIDS. The signing of a comprehensive peace agreement is expected to significantly accelerate such efforts, and some of those activities will directly benefit from the deployment of the United Nations peace support operation.

VII. Joint assessment mission of the United Nations and the World Bank

29. With the expectation that the Government and SPLM/A will reach a comprehensive peace agreement in the near future, the rapid initiation of rehabilitation and transitional recovery in the Sudan will be critical to sustain and consolidate peace. In this context, and in preparation for an international financing conference to be held in Oslo, shortly after the signature of such an agreement, the World Bank and the United Nations Development Programme (on behalf of the United Nations system) are co-leading a joint assessment mission for the Sudan, working in partnership with the Sudanese parties and the IGAD Partners Forum to provide an assessment of rehabilitation, transitional recovery and developmental needs until 2010. The Core Coordination Group, which oversees the joint assessment mission, agreed in July to proceed with the completion of the joint mission independently from the peace process and it has since been agreed to complete the bulk of the assessment by the end of November. The joint assessment mission report itself will be completed only after a comprehensive peace agreement has been signed, as it is dependent on certain clarifications regarding the jurisdiction of the government of national unity and the government of southern Sudan.

Recovery and rehabilitation development programmes will be implemented only once a comprehensive peace agreement has been signed.

VIII. Concluding observations

30. The special political mission mandated in Security Council resolution 1547 (2004) has been in place for three months. Several factors have contributed to the relatively speedy initial deployment of the advance mission. First, early Council authority to initiate preparatory work, which enabled the Secretariat to carry out a preliminary technical mission and to deploy a small advance team of experts, aided mission assessment and engagement with the Government of the Sudan and SPLM/A interlocutors well before the adoption of the mandate. Second, the strategic deployment stocks based in Brindisi, Italy, although severely depleted as a result of several simultaneous operational demands, have been an invaluable tool for generating quick capability in the Sudan, especially in the areas of communications and information technology. At present, the advance mission is at 70 per cent of its authorized strength, including national and international staff and the military component, and is operating effectively. The third factor in assisting rapid deployment has been the timely agreement by the Government of the Sudan on the status of the mission and its personnel, in accordance with the recommendation of the General Assembly in paragraph 7 of its resolution 52/12 B of 19 December 1997 and paragraph 2 of Security Council resolution 1547 (2004). I am looking forward to an expeditious exchange of letters with SPLM/A on the terms of the agreement, which would assist the advance mission in moving forward with its plans to deploy in the south.

31. While work is well under way to establish a future peace support operation to help facilitate the implementation of a comprehensive peace agreement between the Government and SPLM/A, the mission's focus has expanded considerably since the adoption of Security Council resolution 1556 (2004). The extent of the mission's operations in Khartoum, southern and eastern Sudan, Darfur, Addis Ababa and Nairobi will be considerable. As I stated in my report of 3 June, a future peace support mission will face enormous challenges. The logistical challenges alone are considerable, and there are expected to be numerous political challenges throughout the implementation period.

32. The humanitarian situation remains dire and United Nations operations remain perilously underfunded. The international community must respond to this shortfall and do its utmost to mitigate the appalling circumstances in which so many Sudanese find themselves. I urge the international community once again to address the funding gap without further delay.

33. The United Nations and the international community at large will continue to support and assist the parties in their endeavours towards peace. I once again thank the IGAD mediators, the Troika countries (Norway, the United Kingdom and the United States) and the IGAD Partners Forum for the critical role they are playing to keep the process moving forward despite the recent frustrating delay. I would also like to thank my Special Representative and all United Nations and other international personnel in the Sudan for their efforts in this regard.

34. The decision of the Government and SPLM/A to resume negotiations in the context of the IGAD-led peace process restores much of the optimism that has been

dissipating in recent months. While it is unfortunate that months have gone by without progress in these talks, I am heartened by the parties' recent positive attitude towards concluding the negotiations as soon as possible. Having come so far together in their quest for peace, the parties are standing on the threshold of an agreement. They must work together now to agree to mutually acceptable implementation modalities for the pre-interim and interim periods that would follow a comprehensive peace agreement.

35. The IGAD-led peace process is central to comprehensive peace in the Sudan. No other peace process has come so far or has addressed the fundamental roots of the conflict in southern Sudan. While the process does not offer a comprehensive solution to the country's problems, the breadth of the agreements reached in the protocols offer a basis for answers to the wider issues of insecurity and conflict. The current crisis in Darfur is emblematic of that problem. The rebel groups in Darfur are only two of an array of peoples and groups that have complained of systematic marginalization over the course of recent Sudanese history. There will be a need to include the peoples of all areas of the Sudan if the search for peace is to be sustainable.

36. However, the peace process now requires an irreversible momentum, a defining agreement that will signal a break with the past, a change of course in Sudanese history. A comprehensive peace agreement resulting from the IGAD-led peace process would herald that new era and would, I believe, signal to other marginalized peoples and groups in the Sudan that there is an alternative to violence, that negotiation can succeed and that peace is attainable through political compromise. While the meeting between Vice-President Taha and SPLM/A Chairman Garang, which is to begin on 7 October, will provide a catalyst to proceed with the IGAD-led peace process, so too can such an agreement be a catalyst to addressing the Darfur crisis and the wider problems of economic and political marginalization that adversely affect so many in the Sudan. The parties must not allow this process to stall further or derail, as it represents the best chance to achieve a peaceful solution to a long and deadly conflict that has ravaged the country and claimed so many innocent lives. I urge the parties to seize the opportunity that is before them and use it to ensure that a comprehensive and lasting peace can take hold throughout the Sudan.

United Nations S/2004/764

Security Council

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Letter dated 21 September 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my report of 3 September 2004 (S/2004/710 and Corr.1) pursuant to paragraph 30 of resolution 1546 (2004) of 8 June 2004, and specifically to part III, concerning security arrangements for the United Nations Assistance Mission for Iraq (UNAMI).

As I indicated in my report, in order for the Mission to be able to expand its staffing and its activities in Iraq, it will be necessary, in addition to the protection provided by the multinational force, to establish an integrated United Nations security structure to carry out access control and patrols within Mission facilities, to provide personal security details for personnel both within United Nations premises and on the move, to conduct training and to coordinate security arrangements between UNAMI and other United Nations organizations, as well as with the multinational force under unified command authorized by Security Council resolutions 1511 (2003) and 1546 (2004). The United Nations Assistance Mission for Iraq integrated security structure would consist of four elements, namely, international security staff, protection coordination officers, personal security details and guard units, and, as indicated above, would be in addition to the protection provided by the multinational force. The deployment of all of these four elements will be subject to ongoing assessments of the overall security situation in Iraq over the coming months and the related deployment of substantive staff. Deployment will also depend on the completion of the necessary logistical arrangements, including secure office and living accommodation.

With regard to the fourth element that would form part of that integrated security structure — namely, the guard units — there would be a need for three formed units, each consisting of up to 160 armed civilian police, paramilitary or military personnel, to be provided as contingents from Member States. These guard units would form part of UNAMI and would have the specific responsibility of controlling access to and conducting patrols within UNAMI premises.

I should be grateful if you could confirm that this arrangement is acceptable to the Security Council. It would then be my intention to proceed to generate the guard units and, subject to the overall security situation in Iraq and the logistical, financial and related arrangements that need to be put in place, to deploy them, as well as other elements of the integrated United Nations security structure, to Iraq.

(*Signed*) Kofi A. **Annan**

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Security Council

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Letter dated 1 October 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 21 September 2004 (S/2004/764), concerning the establishment of an integrated United Nations security structure for the United Nations Assistance Mission for Iraq, has been brought to the attention of the Security Council. The Council welcomes the proposed arrangements set out in your letter and urges Member States to respond positively with contributions.

(*Signed*) Emyr **Jones Parry**
President of the Security Council

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United Nations S/2004/766

Security Council

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Letter dated 15 September 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the conclusions on Darfur/Sudan adopted by the European Union External Relations Council at its meeting on 13 September (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Kingdom of the Netherlands
to the United Nations

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Annex to the letter dated 15 September 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Council conclusions on Darfur

1. The Council recalls its Conclusions of 12 and 26 July and calls upon the Government of Sudan and the SLM/A and the JEM to meet the demands set out therein. It reiterates that the fulfilment of these demands will influence future relations between the Sudan and the EU.

2. The Council welcomes the report of the UN Secretary General (UNSG) presented by Special Representative of the SG (SRSG) Jan Pronk on 2 September in the UN Security Council (UNSC) and expresses concern that the report documented incomplete compliance by the Government of Sudan with Security Council Resolution 1556. It urges the Government of Sudan to fully implement all of the commitments made to the UNSG, and to fully co-operate with his SRSG.

3. The Council remains extremely concerned about the situation in Darfur, in particular about continuing heavy fighting and attacks on civilians. The Council urges all parties to exercise utmost restraint and to fully respect the N'djamena cease-fire agreement. In this context, it appeals to all parties to publicly confirm an immediate moratorium on military operations in Darfur in contravention of the cease-fire agreement.

4. The Council notes with satisfaction the deployment of UN human rights monitors in Darfur, and appeals to all parties to fully co-operate with them. In this context, the Council reiterates its support for the recommendations of the Office of the High Commissioner for Human Rights. The Council would welcome steps by the UNSG to establish as soon as possible an international commission of inquiry in order to immediately investigate all violations of human rights and humanitarian law in Darfur, and to determine whether acts of genocide have occurred. The Council urges the Government of Sudan to ensure that there is no impunity, including by bringing to justice those militia leaders or Army Officers suspected of serious human rights and humanitarian law violations, and allowing the UN monitors to conduct investigations.

5. With reference to point 6 of the Conclusions of 12 July, the Council has come to the following preliminary conclusions, partly based on the above mentioned report.

- The Government of Sudan has taken steps to implement the N'djamena and Addis Ababa Agreements.
- Humanitarian access has improved since the Joint Communiqué between the Government of Sudan and the UNSG was issued.
- The Government of Sudan and the SLM/A and the JEM have positively engaged in negotiations in Abuja, which should rapidly bring concrete results.
- There are no reports of forced return of IDPs and refugees, and this is in keeping with the commitment made by the Government of Sudan. There are, however, reports that local authorities in some areas apply pressure directly or indirectly through community leaders.
- Regarding the immediate and unconditional disarmament and the neutralisation of the armed militia, the Council concludes that there is no indication that the Government of Sudan has taken real and verifiable steps to disarm and neutralise these militia and the Janjaweed. Reports that members of the militia have been integrated into the military forces are of grave concern. The security situation for civilians has improved in and around the IDP camps, but remains problematic elsewhere. Contrary to various announcements by the Government of Sudan, there are reports about continuing massive and severe human rights violations by the armed militia, including systematic rape of women.

6. In close co-ordination with the UN, the Arab League, the US, and other important international actors, the EU stands ready to further support the AU mission. The Council welcomes the UNSG's proposal to the AU for an expansion of the AU mission in Darfur. The SG/HR has discussed with President Konare the scope for an EU contribution to this mission. The Council welcomes the AU's agreement in principle to prepare for an EU Fact Finding Mission in order to determine how the EU might support an expanded AU presence, including, on the basis of AU requests, through a police strengthening mission. The Council requests the SG/HR to maintain close contact with the AU to facilitate this Fact Finding Mission, including via a early further visit to the region by his Personal Representative on Sudan.

7. The Council fully supports the action of the AU in the Abuja talks and urges the Government of Sudan, the SLM/A and the JEM to negotiate in good faith and with a sense of urgency. The Council appeals to all political actors in the region to use their influence on the Sudanese parties to facilitate these talks. As regards the Darfur talks, an early agreement on security is of utmost importance in order to avoid a further deterioration of the situation on the ground. In this context, the Council urges the Government of Sudan to take actions on the disarmament of militia.

8. The Council reiterates that cantonment of the SLM/A and the JEM represents a critical element in achieving a return of peace and stability in Darfur, and calls upon the SLM/A and the JEM for its swift implementation.

9. The Council is concerned that the peace process between the Government of Sudan and the SPLM/A ("Naivasha process") needs to be re-invigorated. It therefore urges both parties to resume discussions on the outstanding technical aspects and to conclude a comprehensive agreement as soon as possible.

10. In the immediate future the EU will:

- continue to impress on the Government of Sudan and the SLM/A and the JEM the urgency to meet the demands contained in the Council Conclusions of 12 and 26 July 2004 and in UNSC Resolution 1556;
- take appropriate measures, including sanctions, against the Government of Sudan and all other parties, in accordance with the UNSC Resolution 1556, if no tangible progress is achieved in this respect;
- increase its humanitarian support, both financially and in terms of logistics, while encouraging other donors to provide additional support for humanitarian operations;
- continue and increase, based on AU requests, its support to the AU mission in Sudan, and impress on the Government of Sudan to accept proposals by the AU to strengthen and enhance its mission in Darfur;
- remain actively involved in the process of political negotiations;
- continue to urge the Government of Sudan and the SPLM/A to finalise the Naivasha process;

- closely co-operate with the AU, UN, the Arab League and the US with a view of harmonising international efforts to contain and resolve the conflict in Darfur;
- continue to support the efforts of the UN, in particular by the SRSG;
- actively contribute to the work of the Joint Implementation Mechanism
- continue to support UN efforts to monitor and gather information on human rights violations, including allegations of genocide.

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Letter dated 27 September 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith a statement issued by the Ministry of Internal Affairs regarding the attack on the Kalma Camp for Internally Displaced Persons in Southern Darfur (see annex).

I would highly appreciate it if you could circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Elfatih Erwa
Permanent Representative

04-52740 (E) 011004 041004

Annex to the letter dated 27 September 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

In the name of God, the Merciful, the Compassionate

Republic of the Sudan
Ministry of Internal Affairs

Statement on the Darfur Rebel Attack on Kalma Camp

In a grave development involving an outrageous attack by rebel elements on the camp for internally displaced persons at Kalma, in Southern Darfur state, a group of rebel forces entered surreptitiously and carried out an attack on the police post, then fled. The attack resulted in the death of two police officers, namely Muhammad Abdullah and Mu'tazz Ahmad Mansur, and the wounding of others.

The Ministry of Internal Affairs would like to clarify the following facts:

1. This act of aggression embodies the spirit of irresponsibility and lack of respect of the rebels towards their commitments under the Ndjamena Ceasefire Agreement and other commitments by which they are bound. The fact that the attack was carried out against police forces within the camp for internally displaced persons clearly points up the atrocity of the act, directly targeting as it did the security of the citizens and the police forces charged with safeguarding and protecting them;

2. This attack on the Kalma Camp reminds us that the rebels have made it their concern since the beginning of their sabotage activities to create a dangerous security gap by targeting security forces in Darfur. Indeed, 68 police divisions have been destroyed and 408 of their members have been killed. This has played a key role in depriving citizens of security and safety and has led to subsequent complications that have hampered the efforts of the State to protect and ensure the safety and security of its citizens;

3. This most recent attack comes amid continued and urgent efforts by the State to comply with its commitments under its agreement with the Secretary-General of the United Nations and the Darfur action plan. The State's endeavours in this regard have included sending in 10,243 highly trained and qualified members of the police provided with all the necessary equipment, gear and supplies to ensure conditions of security, protection and stability for all citizens in Darfur;

4. The deployment of the police in Darfur has been the object of tendentious campaigns on the part of the rebels aimed at raising doubts and accusations, due to the fact that they realize that strengthening the organs for the maintenance of security and law in Darfur and ensuring the protection of citizens will interfere with their strategy of sabotage. Now, however, we observe that it has come to the direct targeting of and aggression against the police and the assassination of police officers. There have been a series of similar events, involving a total of 40 acts of aggression against the police security since the signing of the ceasefire on 8 April 2004. These include 18 such acts in Northern Darfur state, committed in Taweisha,

Al-La`ayt Jar al-Nayy, Amhush, Burush, Tawilah, Khor Tawilah, Urshi, Umm Badr, Gallab, Sayyah, Hashabah, Utash, Khor al-Nahb, Bobay, Sajli wa-Maddu; 15 in Southern Darfur state, committed in Sirriyyah, Sa'iba, Iftadu, Shi`iriyah, Umm Dafasu, Shurtat al-Sikkah al-Hadid (railway police), Direis, Kileil, Abu Salamah, Mrishing, Niteifa, Labadu, Ashamah, Direisayah, Gharigah, Kalma; and 7 in Western Darfur, in the areas of Sireif, Dohod, Bir Jimmeizah, Gibayshah, Tandalti, Kulbus and Golo;

5. Rebel aggression is not limited to attacks on the police, but have also included attacks on the African observer forces, as pointed out by the Nigerian head of the monitoring team, Brigadier-General Festus Okonkwo, in his report to the meeting of the joint Ceasefire Commission held in Abuja on 3 September 2004 and chaired by Chadian Counsellor Alami;

6. In view of this situation, the Ministry of Internal Affairs calls upon the international community to shoulder its responsibility to induce the rebels to refrain from such extremely grave acts of aggression, which are intended to condemn to failure the efforts to gain control of the security situation in Darfur. Indeed, security involves an integrated system and there is no way to provide it and make it effective unless all parties fully assume their responsibilities;

7. The Ministry of Internal Affairs, for its part, will shoulder its full responsibility and strive to employ every means to contain all threats to security and stability in Darfur. It will also make every effort, based on its fundamental responsibilities and the commitments it has undertaken internationally to provide protection for citizens and displaced persons, to deal resolutely with anyone who allows himself to be tempted to target their security and safety.